				AFFIRMATIVE DEPOSITION DESIGNATIONS		cou	JNTER L	DESIGNATIONS * F	ink = Completeness I	Designation				REPLY DESIGNA	TIONS * Pink = Completeness Designation
e/Line	Page/	Line	Objections	Replies to Objections	Page/Line	Page/L		Objections	Objection Notes	Replies to Objections	Page/L	ine .	Page/Lin	e Objections	Replies to Objections
'n	End				Begin	End					Begin		End		
L7 1	17	4		n/a	42	14 42	22	Improper		Fairness dictates that	95	14	95	22	Completeness to Defendants' Completeness Designation.
								Completeness		testimony be considered					
								Designation;		with the portions					
								Answer is Non-		introduced by Plaintiffs.					
										· ·					
								Responsive to		See Fed. R. Civ. P.					
								Question Asked		32(a)(6); Fed. R. Evid.					
										106. Answer is					
										responsive to question					
										asked.					
3 8	18	22		n/a	43	1 43	8	Improper		Fairness dictates that	144	24	145	4 Relevance -	This Reply is meant to complete <i>Defendants</i> ' Completeness
٥	10	22		11/4	73	1 73	_				144	24	143		Designation at 144:2-23. However, the Lack of relevance/geogr
- 1								Completeness		testimony be considered				geographic scope;	
,								Designation;		with the portions				vague; calls for	scope is not applicable. This Court has already ruled that Defe
,								Answer is Non-		introduced by Plaintiffs.				speculation	conduct outside of Cabell/Huntington "is generally relevant to
,								Responsive to		See Fed. R. Civ. P.					Defendants' conduct within the Track [Two] Counties." See EC
,								Question Asked		32(a)(6); Fed. R. Evid.					at 10. The information at issue provides state of mind and known
,								Question Askeu							
Į										106. Answer is					of McKesson leadership regarding exorbitant amounts of opic
,										responsive to question					provided to diversion epicenters (e.g., McKesson's over-distrib
,										asked.					opioids and systemic policy/procedure problems allowing for
,															McKesson's policies and procedures relative to the distributio
,															opioids/controlled substances (and systemic problems with t
ļ															
ļ															policies/procedures) are national in scope, and apply to
ļ															Cabell/Huntington. The discussion concerning these pill mills
J															makes clear that the pills dispensed by these pill mills made t
,															into communities throughout the east coast and Midwest, wh
ļ															
,															would obviously include Huntington and Cabell County.
,															
,															The testimony does not indicate that the witness is guessing o
,															speculating regarding the questioning at issue, and the witness
,															being asked to form a theory or conjecture without firm evide
,															
,															Rather, the witness is confirming whether the question by the
,															examiner is accurate as to the exhibit he held in hand. This
,															confirmatory question of knowledge based on material author
,															the witness, upon a question of "true?," was answered clearly
,															articulately that "yes, that was the purpose of the slide [know
ļ															
J															the pill mill]." Also, the concern for the clarity of the wording
J															demonstrably avoided by the witness' clear response.
J															
3	20	2		n/a	69	16 69	18	Improper		Fairness dictates that	145	6	145	7 Relevance -	Same as above.
		]						Completeness		testimony be considered				geographic scope;	
,			1					•		-					
,								Designation; No		with the portions				vague; calls for	
			1	1				objection to		introduced by Plaintiffs.				speculation	
ì				•				treatment as		See Fed. R. Civ. P.					
															i
								counter-		32(a)(6); Fed. R. Evid.					
										32(a)(6); Fed. R. Evid.					
4	22	10		0/2		22 70		designation		106.	261	2	261	5 Calls for	This Penly is meant to complete Defendants' Counter Design
4	22	18		n/a	69	22 70	11	designation Improper		106. Fairness dictates that	361	2	361	5 Calls for	
4	22	18		n/a	69	22 70	11	designation Improper Completeness		106. Fairness dictates that testimony be considered	361	2	361	5 Calls for speculation	361:6-11, 361:14-362:2. Further, objection to speculation by
4	22	18		n/a	69	22 70	11	designation Improper		106. Fairness dictates that	361	2	361		361:6-11, 361:14-362:2. Further, objection to speculation by
4	22	18		n/a	69	22 70	11	designation Improper Completeness		106. Fairness dictates that testimony be considered	361	2	361		361:6-11, 361:14-362:2. Further, objection to speculation by Defendants to Defendants' own question is not supported. Fi
4	22	18		n/a	69	22 70	11	designation Improper Completeness Designation; No objection to		106. Fairness dictates that testimony be considered with the portions introduced by Plaintiffs.	361	2	361		361:6-11, 361:14-362:2. Further, objection to speculation by Defendants to Defendants' own question is not supported. Fit could have been achieved by the examiner at the time through
4	22	18		n/a	69	22 70	11	designation Improper Completeness Designation; No objection to treatment as		106. Fairness dictates that testimony be considered with the portions introduced by Plaintiffs. See Fed. R. Civ. P.	361	2	361		361:6-11, 361:14-362:2. Further, objection to speculation by Defendants to Defendants' own question is not supported. Fit could have been achieved by the examiner at the time throug rephrasing of the question had it been necessary. Second, the
4	22	18		n/a	69	22 70	11	designation Improper Completeness Designation; No objection to treatment as counter-		106. Fairness dictates that testimony be considered with the portions introduced by Plaintiffs. See Fed. R. Civ. P. 32(a)(6); Fed. R. Evid.	361	2	361		361:6-11, 361:14-362:2. Further, objection to speculation by Defendants to Defendants' own question is not supported. Fit could have been achieved by the examiner at the time through rephrasing of the question had it been necessary. Second, the for the clarity of the wording has been demonstrably avoided
4	22	18		n/a	69	22 70	11	designation Improper Completeness Designation; No objection to treatment as		106. Fairness dictates that testimony be considered with the portions introduced by Plaintiffs. See Fed. R. Civ. P.	361	2	361		Defendants to Defendants' own question is not supported. Fit could have been achieved by the examiner at the time through rephrasing of the question had it been necessary. Second, the for the clarity of the wording has been demonstrably avoided witness' clear response that, "[those numbers] could be a core
4	22	18		n/a	69	22 70	11	designation Improper Completeness Designation; No objection to treatment as counter-		106. Fairness dictates that testimony be considered with the portions introduced by Plaintiffs. See Fed. R. Civ. P. 32(a)(6); Fed. R. Evid.	361	2			361:6-11, 361:14-362:2. Further, objection to speculation by Defendants to Defendants' own question is not supported. Fit could have been achieved by the examiner at the time throug rephrasing of the question had it been necessary. Second, the for the clarity of the wording has been demonstrably avoided
4	22			n/a		22 70	11	designation Improper Completeness Designation; No objection to treatment as counter-		106. Fairness dictates that testimony be considered with the portions introduced by Plaintiffs. See Fed. R. Civ. P. 32(a)(6); Fed. R. Evid.	361		361		361:6-11, 361:14-362:2. Further, objection to speculation by Defendants to Defendants' own question is not supported. Fit could have been achieved by the examiner at the time throug rephrasing of the question had it been necessary. Second, the for the clarity of the wording has been demonstrably avoided witness' clear response that, "[those numbers] could be a continuous process.
4							11	designation Improper Completeness Designation; No objection to treatment as counter- designation		106. Fairness dictates that testimony be considered with the portions introduced by Plaintiffs. See Fed. R. Civ. P. 32(a)(6); Fed. R. Evid. 106. Fairness dictates that					361:6-11, 361:14-362:2. Further, objection to speculation by Defendants to Defendants' own question is not supported. Fit could have been achieved by the examiner at the time through rephrasing of the question had it been necessary. Second, the for the clarity of the wording has been demonstrably avoided witness' clear response that, "[those numbers] could be a confooth [overprescribing or diversion]."
1							11	designation Improper Completeness Designation; No objection to treatment as counter- designation Improper Completeness		106. Fairness dictates that testimony be considered with the portions introduced by Plaintiffs. See Fed. R. Civ. P. 32(a)(6); Fed. R. Evid. 106. Fairness dictates that testimony be considered					361:6-11, 361:14-362:2. Further, objection to speculation by Defendants to Defendants' own question is not supported. Fit could have been achieved by the examiner at the time through rephrasing of the question had it been necessary. Second, the for the clarity of the wording has been demonstrably avoided witness' clear response that, "[those numbers] could be a confooth [overprescribing or diversion]."
1							22	designation Improper Completeness Designation; No objection to treatment as counter- designation Improper Completeness Designation; No		106. Fairness dictates that testimony be considered with the portions introduced by Plaintiffs. See Fed. R. Civ. P. 32(a)(6); Fed. R. Evid. 106. Fairness dictates that testimony be considered with the portions					361:6-11, 361:14-362:2. Further, objection to speculation by Defendants to Defendants' own question is not supported. Fit could have been achieved by the examiner at the time through rephrasing of the question had it been necessary. Second, the for the clarity of the wording has been demonstrably avoided witness' clear response that, "[those numbers] could be a confooth [overprescribing or diversion]."
1							22	designation Improper Completeness Designation; No objection to treatment as counter- designation Improper Completeness Designation; No objection to		106. Fairness dictates that testimony be considered with the portions introduced by Plaintiffs. See Fed. R. Civ. P. 32(a)(6); Fed. R. Evid. 106.  Fairness dictates that testimony be considered with the portions introduced by Plaintiffs.					361:6-11, 361:14-362:2. Further, objection to speculation by Defendants to Defendants' own question is not supported. Fit could have been achieved by the examiner at the time through rephrasing of the question had it been necessary. Second, the for the clarity of the wording has been demonstrably avoided witness' clear response that, "[those numbers] could be a confooth [overprescribing or diversion]."
1							22	designation Improper Completeness Designation; No objection to treatment as counter- designation Improper Completeness Designation; No		106. Fairness dictates that testimony be considered with the portions introduced by Plaintiffs. See Fed. R. Civ. P. 32(a)(6); Fed. R. Evid. 106. Fairness dictates that testimony be considered with the portions					361:6-11, 361:14-362:2. Further, objection to speculation by Defendants to Defendants' own question is not supported. Fit could have been achieved by the examiner at the time throug rephrasing of the question had it been necessary. Second, the for the clarity of the wording has been demonstrably avoided witness' clear response that, "[those numbers] could be a conf both [overprescribing or diversion]."
1							22	designation Improper Completeness Designation; No objection to treatment as counter- designation Improper Completeness Designation; No objection to		106. Fairness dictates that testimony be considered with the portions introduced by Plaintiffs. See Fed. R. Civ. P. 32(a)(6); Fed. R. Evid. 106.  Fairness dictates that testimony be considered with the portions introduced by Plaintiffs.					361:6-11, 361:14-362:2. Further, objection to speculation by Defendants to Defendants' own question is not supported. Fit could have been achieved by the examiner at the time through rephrasing of the question had it been necessary. Second, the for the clarity of the wording has been demonstrably avoided witness' clear response that, "[those numbers] could be a coup of both [overprescribing or diversion]."

			AFFI	RMATIVE DEPOSITION DESIGNATIONS		COUN	NTER DI	ESIGNATIONS * I	Pink = Completeness De	esignation				REPLY DESIGNA	TIONS * Pink = Completeness Designation
age/Line	Page,	/Line	Objections		Page/Line	Page/Lir	ne O	Objections	Objection Notes	_	Page/		Page/Line	Objections	Replies to Objections
34 1 <sup>1</sup>	<b>End</b> 3:	5	Calls for speculation; expert opinion	The elicited testimony is neither speculative is nor is it an expert opinion. The testimony does not indicate that the witness is guessing or speculating regarding the questioning at issue. Moreover, the witness has 35+ years working with the DEA and controlled substance regulation oversight at McKesson. See Attachment A. As a witness with extensive knowledge and experience regarding controlled substances generally, and opioids specifically, Mr. Boggs had the requisite knowledge to answer the question. In fact, McKesson retained Mr. Boggs as a consultant in order to convey his knowledge about the epidemic and its causes to the members of the company's regulatory department given his experience on this subject. See P-16210. Also, even if considered an opinion, the testimony is admissible under FRE 701.	71 71	End 2 71	C D o tr	mproper completeness designation; No designation to reatment as ounter- lesignation		Fairness dictates that testimony be considered with the portions introduced by Plaintiffs. See Fed. R. Civ. P. 32(a)(6); Fed. R. Evid. 106.	389	_	389 1	3 Hearsay; calls for speculation	This is not inadmissible hearsay pursuant to FRE 801(d)(2), 803(5) and/or FRE 803(6). Also, hearsay is not applicable because FRE 801(c)(2) is not satisfied (as the Exhibit 38 also proves notice, knowledge, understanding and/or acceptance of the opioid epidemic opioid abuse and/or diversion). This is also not hearsay because Mr. Boggs is testifying specifically as to his own personal experience and knowledge. The information at issue provides background regarding same (e.g., McKesson's over-distribution of opioids and systemic policy/procedure failures allowing for same). Specifically, the witness expressly - not speculatively - did not disagree with the fact "that McKesson had failed to maintain effective controls against diversion of particular controlled substances and failed to design and operate a system to disclose to the registrant suspicious orders of controlled substances."
35	6 3:	5	7 Calls for speculation; expert opinion	Same as above.	71	8 71	C D o tr	mproper Completeness Designation; No Objection to reatment as ounter- Jesignation		Fairness dictates that testimony be considered with the portions introduced by Plaintiffs. See Fed. R. Civ. P. 32(a)(6); Fed. R. Evid. 106.	389	15	390	2 Hearsay; calls for speculation	Same as above. Specifically, the witness expressly - not speculatively states that "a regional director of Regulatory Affairs [telling] the D that he does not know what a suspiciuos order was would cause [i witness] concern."
39 2	4 40	0 4	1	n/a	71 2	71	23 Ir C D o tr	conglution mproper completeness designation; No objection to reatment as ounter- designation		Fairness dictates that testimony be considered with the portions introduced by Plaintiffs. See Fed. R. Civ. P. 32(a)(6); Fed. R. Evid. 106.	392	15	393	5 Hearsay	Same as above.
40	6 41	0 12	2	n/a	94 1	7 94	C D o tr	mproper Completeness Designation; No Objection to reatment as Ounter- Designation		Fairness dictates that testimony be considered with the portions introduced by Plaintiffs. See Fed. R. Civ. P. 32(a)(6); Fed. R. Evid. 106.	393	7	393 1	1	n/a
40 1.	4 41	0 19		n/a	95	1 95	C D o tr	mproper completeness designation; No ibjection to reatment as ounter- lesignation		Fairness dictates that testimony be considered with the portions introduced by Plaintiffs. See Fed. R. Civ. P. 32(a)(6); Fed. R. Evid. 106.	393	13	393 2	· ·	This is not inadmissible hearsay pursuant to FRE 801(d)(2), 803(5) and/or FRE 803(6). Also, hearsay is not applicable because FRE 801(c)(2) is not satisfied (as Exhibit 38 also proves notice, knowledge understanding and/or acceptance of the opioid epidemic, opioid about and/or diversion). This is also not hearsay because Mr. Boggs is testifying specifically as to his own personal experience and knowledge. The information at issue provides background regarding same (e.g., McKesson's over-distribution of opioids and systemic policy/procedure failures allowing for same). Specifically, the examination is extracting definitive testimony from the witness on his personal opinions of facts already in evidience.  The lack of relevance/geographic scope is not applicable. This Court has already ruled that Defendants' conduct outside of Cabell/Huntington "is generally relevant to Defendants' conduct with the Track [Two] Counties." See ECF 1297, at 10. Nevertheless, the Washington Court House distribution directly supplied the City of Huntington and Cabell County with controlled substances, so there is no support for a lack of nexus between the testimony subject and geographic area at bar. Additionally, the information at issue provide state of mind and knowledge of McKesson SOMS failures (e.g., McKesson's over-distribution of opioids and systemic policy/procedures relative to the distribution of opioids/controlled substances (and systemic problems with those policies/procedures) are national in scope, and apply to Cabell/Huntington.

		AFFIF	RMATIVE DEPOSITION DESIGNATIONS				Pink = Completeness De	esignation					REPLY DESIGNAT	TIONS * Pink = Completeness Designation
Page/Line Begin	Page/Line End	Objections	Replies to Objections	Page/Line Begin	Page/Line End	Objections	Objection Notes	Replies to Objections	Page/l Begin		Page/ End	/Line	Objections	Replies to Objections
87	5 87	8 Misstates prior testimony; assumes facts not in evidence;	Misstating prior testimony and assuming facts are not applicable. The question is not an assertion that something occurred. Rather, the question asks whether or not something	95 1	1 95	12 Improper Completeness		Fairness dictates that testimony be considered	394	2	394	1 14	Hearsay; relevance	
		calls for a legal conclusion	took place during the witness's time at McKesson. This is not a legal conclusion because the			Designation;		with the portions						
			testimony involves factual information regarding the witness's notice, knowledge,			Answer is Non-		introduced by Plaintiffs.						
			understanding and/or acceptance of applicable regulations. Mr. Boggs had many years of			Responsive to		See Fed. R. Civ. P.						
			experience with the DEA handling the implementation of the regulatory aspect of the			Question Asked		32(a)(6); Fed. R. Evid.						
			Controlled Substances Act ("CSA") and overseeing compliance by distributors regarding					106. Answer is						
			same. See Attachment A Also, for the entire 5+ years Mr. Boggs has worked at McKesson,					responsive to question						
			his responsibilities included ensuring that McKesson complied with the applicable					asked.						
			distribution/controlled substance regulations and industry standards. See dep. at 19:21-											
			20:5. As a witness with extensive knowledge and experience regarding these matters, Mr.											
			Boggs had the requisite knowledge to answer the question. Thus, even if considered an											
87 1	0 88 1	0	opinion/conclusion, the testimony is admissible under FRE 701.  n/a	95 2	4 96	2		Faire and distance that	394	16	394	1 1-	7	Company on the company
8/ 1/	0 00 1	8	llyd	95 2	4 90	2 Improper Completeness		Fairness dictates that testimony be considered	394	10	594	+ 1/	<ul> <li>Hearsay; relevance</li> <li>geographic scope</li> </ul>	s same as above.
						Designation;		with the portions					- geographic scope	
						Answer is Non-		introduced by Plaintiffs.						
						Responsive to		See Fed. R. Civ. P.						
						Question Asked		32(a)(6); Fed. R. Evid.						
								106. Answer is						
								responsive to question						
								asked.						
127 1	8 128	3 Exhibit ruled inadmissible by the	Mr. Boggs is the author of this presentation. Testimony regarding the presentation,	96	4 96	21 Improper		Fairness dictates that	395	3	395	5 8	Calls for	The testimony does not indicate that the witness is guessing or
		Court. See Trial Tr., May 24,	especially from him, is uniquely relevant to understanding both Mr. Boggs' understanding of			Completeness		testimony be considered					speculation	speculating regarding the questioning at issue, and the witness is not
		2021, at 76:22-77:3, 77:15-78:3.	the scope and importance of the opioid epidemic and the message he sought to convey to			Designation;		with the portions						being asked to form a theory or conjecture without a history
		_	McKesson. The court's prior rulings do not render this testimony inadmissible; indeed the			Answer is Non-		introduced by Plaintiffs.						developing material personal knowledge in the subject matter. The
		should be similarly inadmissible.	1 0 0 01			Responsive to		See Fed. R. Civ. P.						witness has 35+ years working with the DEA and controlled substance
			foundational and not objectionable.			Question Asked		32(a)(6); Fed. R. Evid.						regulation oversight at McKesson. See Attachment A. As a witness
								106. Answer is						with extensive knowledge and experience regarding controlled
								responsive to question asked.						substances generally, and opioids specifically, Mr. Boggs had the requisite knowledge to answer the question. In fact, McKesson
								askeu.						retained Mr. Boggs as a consultant in order to convey his knowledge
														about the epidemic and its causes to the members of the company's
														regulatory department given his experience on this subject. See P-
														16210.
128 1	6 129	3 Exhibit ruled inadmissible by the	Mr. Boggs is the author of this presentation. Testimony regarding the presentation,	97 1	4 97	17 Improper		Fairness dictates that	395	11	395	5 12	Calls for	Same as above.
		Court. See Trial Tr., May 24,	especially from him, is uniquely relevant to understanding both Mr. Boggs' understanding of			Completeness		testimony be considered					speculation	
		2021, at 76:22-77:3, 77:15-78:3.	the scope and importance of the opioid epidemic and the message he sought to convey to			Designation; No		with the portions						
		_	McKesson. The court's prior rulings do not render this testimony inadmissible; indeed the			objection to		introduced by Plaintiffs.						
		should be similarly inadmissible.	Court permitted questioning regarding portions of the presentation. This designation is			treatment as		See Fed. R. Civ. P.						
			foundational and not objectionable. The excerpted testimony does not describe an			counter-		32(a)(6); Fed. R. Evid.						
129 24	4 130 2	O Exhibit ruled inadmissible by the	inflammatory or otherwise prejudicial portion of the presentation.	97 2	0 98	designation		10b.	396	11	396	5 16		n/a
123 2	130 2	•	Mr. Boggs is the author of this presentation. Testimony regarding the presentation, especially from him, is uniquely relevant to understanding both Mr. Boggs' understanding of	97 2	98	2 Improper Completeness		Fairness dictates that testimony be considered	390	11	390	1 16	1	liya
			the scope and importance of the opioid epidemic and the message he sought to convey to			Designation; No		with the portions						
			McKesson. The court's prior rulings do not render this testimony inadmissible; indeed the			objection to		introduced by Plaintiffs.						
		_	Court permitted questioning regarding portions of the presentation. This designation is			treatment as		See Fed. R. Civ. P.						
		1	foundational and not objectionable. The excerpted testimony does not describe an			counter-		32(a)(6); Fed. R. Evid.						
		1	inflammatory or otherwise prejudicial portion of the presentation.			designation		106.						
131	5 131 1	5 Exhibit ruled inadmissible by the	Mr. Boggs is the author of this presentation. Testimony regarding the presentation,	135	6 135	8	Conditional		396	19	396	5 19	)	n/a
		Court. See Trial Tr., May 24,	especially from him, is uniquely relevant to understanding both Mr. Boggs' understanding of				designation can be							
		2021, at 76:22-77:3, 77:15-78:3.	the scope and importance of the opioid epidemic and the message he sought to convey to				dropped if McKesson'							
		_	McKesson. The court's prior rulings do not render this testimony inadmissible; indeed the				objections to							
		should be similarly inadmissible.	Court permitted questioning regarding portions of the presentation. This designation is				plaintiffs' questions o	n						
		1	foundational and not objectionable. The excerpted testimony does not describe an				this same page are							
	1 1		inflammatory or otherwise prejudicial portion of the presentation.				upheld.					1	I	

		AFFIR	MATIVE DEPOSITION DESIGNATIONS	I		COUNTE	R DESIGNATIONS *	Pink = Completeness De	esignation				REPLY DESIGNA	TIONS * Pink = Completeness Designation
Page/Line	Page/Line End	Objections	Replies to Objections	Page/Lin Begin		Page/Line Ind	Objections	Objection Notes	Replies to Objections	Page/L	Line	Page/Line End	Objections	Replies to Objections
133 S		Court. See Trial Tr., May 24, 2021, at 76:22-77:3, 77:15-78:3. Questioning on excluded exhibit	Mr. Boggs is the author of this presentation. Testimony regarding the presentation, especially from him, is uniquely relevant to understanding both Mr. Boggs' understanding of the scope and importance of the opioid epidemic and the message he sought to convey to McKesson. The court's prior rulings do not render this testimony inadmissible; indeed the Court permitted questioning regarding portions of the presentation. The excerpted testimony does not describe an inflammatory or otherwise prejudicial portion of the presentation.	143		143 2	4 Improper Completeness Designation; Answer is Non- Responsive to Question Asked	Conditional designation can be dropped if McKesson' objections to plaintiffs' questions or this same page are upheld.	Fairness dictates that testimony be considered with the portions introduced by Plaintiffs. See Fed. R. Civ. P. 32(a)(6); Fed. R. Evid. 106. Answer is responsive to question asked.	396	21		Calls for speculation	The testimony does not indicate that the witness is guessing or speculating regarding the questioning at issue, and the witness is not being asked to form a theory or conjecture without firm evidence and a history developing material personal knowledge in the subject matter. Rather, the witness is confirming whether the question by the examiner is accurate as to the exhibit he held in hand. Moreover, the witness has 35+ years working with the DEA and controlled substance regulation oversight at McKesson. See Attachment A. As a witness with extensive knowledge and experience regarding controlled substances generally, and opioids specifically, Mr. Boggs had the requisite knowledge to answer the question. In fact, McKesson retained Mr. Boggs as a consultant in order to convey his knowledge about the epidemic and its causes to the members of the company's regulatory department given his experience on this subject. See P-16210.
134 5	134	Court. See Trial Tr., May 24, 2021, at 76:22-77:3, 77:15-78:3. Questioning on excluded exhibit	Mr. Boggs is the author of this presentation. Testimony regarding the presentation, especially from him, is uniquely relevant to understanding both Mr. Boggs' understanding of the scope and importance of the opioid epidemic and the message he sought to convey to McKesson. The court's prior rulings do not render this testimony inadmissible; indeed the Court permitted questioning regarding portions of the presentation. The excerpted testimony does not describe an inflammatory or otherwise prejudicial portion of the presentation.	144	2	144 2	3 Improper Completeness Designation; Answer is Non- Responsive to Question Asked (144:2-8)	Conditional designation can be dropped if McKesson' objections to plaintiffs' questions or this same page are upheld.	Fairness dictates that testimony be considered with the portions introduced by Plaintiffs.  See Fed. R. Civ. P. 32(a)(6); Fed. R. Evid. 106. Answer is responsive to question asked.	397	4	397 9	Calls for speculation	Same as above.
134 22	134 2	Court. See Trial Tr., May 24, 2021, at 76:22-77:3, 77:15-78:3. Questioning on excluded exhibit	Mr. Boggs is the author of this presentation. Testimony regarding the presentation, especially from him, is uniquely relevant to understanding both Mr. Boggs' understanding of the scope and importance of the opioid epidemic and the message he sought to convey to McKesson. The court's prior rulings do not render this testimony inadmissible; indeed the Court permitted questioning regarding portions of the presentation. The excerpted testimony does not describe an inflammatory or otherwise prejudicial portion of the presentation.	145	14	145 1	7	Conditional designation can be dropped if McKesson' objections to plaintiffs' questions or this same page are upheld.		404	1	404 4		n/a
135 2	135	Court. See Trial Tr., May 24, 2021, at 76:22-77:3, 77:15-78:3. Questioning on excluded exhibit	Mr. Boggs is the author of this presentation. Testimony regarding the presentation, especially from him, is uniquely relevant to understanding both Mr. Boggs' understanding of the scope and importance of the opioid epidemic and the message he sought to convey to McKesson. The court's prior rulings do not render this testimony inadmissible; indeed the Court permitted questioning regarding portions of the presentation. The excerpted testimony does not describe an inflammatory or otherwise prejudicial portion of the presentation.	145	19	146	3	Conditional designation can be dropped if McKesson' objections to plaintiffs' questions or this same page are upheld.	1	404	15	404 18	Hearsay; calls for speculation	
136 2	136 1	Court. See Trial Tr., May 24, 2021, at 76:22-77:3, 77:15-78:3. Questioning on excluded exhibit	Mr. Boggs is the author of this presentation. Testimony regarding the presentation, especially from him, is uniquely relevant to understanding both Mr. Boggs' understanding of the scope and importance of the opioid epidemic and the message he sought to convey to McKesson. The court's prior rulings do not render this testimony inadmissible; indeed the Court permitted questioning regarding portions of the presentation. The excerpted testimony seeks to ascertain why Mr. Boggs used the image in his presentation. Such testimony lessens any likelihood of prejudice arising from the underlying document.	147	17	147 2	0			404	21	404 22	Hearsay; calls for speculation	This is not inadmissible hearsay pursuant to FRE 801(d)(2), 803(5) and/or FRE 803(6). Also, hearsay is not applicable because FRE 801(c)(2) is not satisfied (as the exhibits also prove notice, knowledge, understanding and/or acceptance of the opioid epidemic, opioid abuse and/or diversion). This is also not hearsay because Mr. Boggs is testifying specifically as to his own personal opinion and reasonable interpretation of the exhibits. Specifically, the examiner is extracting definitive testimony from the witness on his personal opinions of facts already in evidence.  The testimony does not indicate that the witness is guessing or speculating regarding the questioning at issue, and the witness is not being asked to form a theory or conjecture without firm evidence and a history developing material personal knowledge in the subject matter. Rather, the witness is confirming whether the question by the examiner is accurate as to the exhibits he held in hand. Moreover, the witness has 35+ years working with the DEA and controlled substance regulation oversight at McKesson. See Attachment A. As a witness with extensive knowledge and experience regarding controlled substances generally, and opioids specifically, Mr. Boggs had the requisite knowledge to answer the question. In fact, McKesson retained Mr. Boggs as a consultant in order to convey his knowledge about the epidemic and its causes to the members of the company's regulatory department given his experience on this subject. See P-16210.

		AFFIR	RMATIVE DEPOSITION DESIGNATIONS			COUNTER	R DESIGNATIONS * P	nk = Completeness De	sianation	_			REPLY DESIGNA	TIONS * Pink = Completeness Designation
Page/Line	Page/Line	Objections	Replies to Objections	Page/Li	ine l	Page/Line		Objection Notes	Replies to Objections	Page/L	Line	Page/Line	Objections	Replies to Objections
Begin	End			Begin		End				Begin		End	_	
136 1:		Court. See Trial Tr., May 24,	This is not inadmissible hearsay pursuant to FRE 801(d)(2), 803(5) and/or FRE 803(6). Also, hearsay is not applicable because FRE 801(c)(2) is not satisfied (as the exhibit also proves notice, knowledge, understanding and/or acceptance of the opioid epidemic, opioid abuse and/or diversion). Lack of relevance/geographic scope is not applicable. This is also not hearsay because Mr. Boggs is testifying specifically as to his own personal experience and knowledge. This Court has already ruled that Defendants' conduct outside of Cabell/Huntington "is generally relevant to Defendants' conduct within the Track [Two] Counties." See ECF 1297, at 10. The information at issue provides background regarding same (e.g., McKesson's over-distribution of opioids and systemic policy/procedure problems allowing for same). McKesson's policies and procedures relative to the distribution of opioids/controlled substances (and systemic problems with those policies/procedures) are national in scope, and apply to Cabell/Huntington. The discussion concerning these pill mills also makes clear that the pills dispensed by these pill mills made their way into communities throughout the east coast and Midwest, which would obviously include Huntington and Cabell County.  Mr. Boggs is the author of this presentation. Testimony regarding the presentation,	179			Improper Completeness Designation; Answer is Non- Responsive to Question Asked except for "I don't agree with that" at 180:10		Fairness dictates that testimony be considered with the portions introduced by Plaintiffs. See Fed. R. Civ. P. 32(a)(6); Fed. R. Evid. 106. Answer is responsive to question asked.	404	24	405 4	Hearsay; calls for speculation	Same as above.
139		excluded exhibit should be similarly inadmissible.	especially from him, is uniquely relevant to understanding both Mr. Boggs' understanding of the scope and importance of the opioid epidemic and the message he sought to convey to McKesson. The court's prior rulings do not render this testimony inadmissible; indeed the Court permitted questioning regarding portions of the presentation. The excerpted testimony seeks to ascertain why Mr. Boggs used the image in his presentation. Such testimony lessens any likelihood of prejudice arising from the underlying document.  This is not inadmissible hearsay pursuant to FRE 801(d)(2), 803(5), FRE 803(6), 803(8) and/or 803(18). Also, hearsay is not applicable because FRE 801(c)(2) is not satisfied (as the exhibit also proves notice, knowledge, understanding and/or acceptance of the opioid epidemic, opioid abuse, diversion, and/or the consequences of same).  Mr. Boggs is the author of this presentation. Testimony regarding the presentation, especially from him, is uniquely relevant to understanding both Mr. Boggs' understanding of the scope and importance of the opioid epidemic and the message he sought to convey to McKesson. The court's prior rulings do not render this testimony inadmissible; indeed the Court permitted questioning regarding portions of the presentation. The excerpted testimony seeks to ascertain why Mr. Boggs used the image in his presentation. Such testimony lessens any likelihood of prejudice arising from the underlying document.	202			3 Answer at 203:3-8 is Non-Responsive to Question Asked		Answer is responsive to question asked.	405			Hearsay; calls for speculation	Same as above.
141	5 141 2	Court. See Trial Tr., May 24,	Mr. Boggs is the author of this presentation. Testimony regarding the presentation, especially from him, is uniquely relevant to understanding both Mr. Boggs' understanding of the scope and importance of the opioid epidemic and the message he sought to convey to McKesson. The court's prior rulings do not render this testimony inadmissible; indeed the Court permitted questioning regarding portions of the presentation. The excerpted testimony does not describe an inflammatory or otherwise prejudicial portion of the presentation.				Subsequent Answer is Non- Responsive to Question Asked		Answer is responsive to question asked.	405			Hearsay; calls for speculation	Same as above.
141 24	4 142	7 Relevance - geographic scope. Exhibit ruled inadmissible by the Court. See Trial Tr., May 24, 2021, at 76:22-77:3, 77:15-78:3. Questioning on excluded exhibit should be similarly inadmissible.	Lack of relevance/geographic scope is not applicable. This Court has already ruled that Defendants' conduct outside of Cabell/Huntington "is generally relevant to Defendants' conduct within the Track [Two] Counties." See ECF 1297 at 10. The information at issue provides background regarding same (e.g., McKesson's over-distribution of opioids and systemic policy/procedure problems allowing for same). McKesson's policies and procedures relative to the distribution of opioids/controlled substances (and systemic problems with those policies/procedures) are national in scope, and apply to Cabell/Huntington. Moreover, the discussion concerning these pill mills also makes clear that the pills dispensed by these pill mills made their way into communities throughout the east coast and Midwest, which would obviously include Huntington and Cabell County.  Mr. Boggs is the author of this presentation. Testimony regarding the presentation, especially from him, is uniquely relevant to understanding both Mr. Boggs' understanding of the scope and importance of the opioid epidemic and the message he sought to convey to McKesson. The court's prior rulings do not render this testimony inadmissible; indeed the Court permitted questioning regarding portions of the presentation. The excerpted testimony does not describe an inflammatory or otherwise prejudicial portion of the presentation.	204	23	205	5 Answer is Non- Responsive to Question Asked		Answer is responsive to question asked.	407	2		Calls for speculation	The testimony does not indicate that the witness is guessing or speculating regarding the questioning at issue, and the witness is not being asked to form a theory or conjecture without firm evidence and a history developing material personal knowledge in the subject matter. Rather, the witness is confirming whether the question by the examiner is accurate. Moreover, McKesson retained Mr. Boggs as a consultant in order to convey his knowledge about the epidemic and its causes to the members of the company's regulatory department given his experience on this subject. See P-16210. As such, his explicit "hope" - not speculation - that any letters from the DEA received by McKesson related to direction regarding suspicious order reports would be made known to him, as well as his belief that no such letters existed, are supported by his 35+ years working with the DEA and controlled substance regulation oversight at McKesson. See Attachment A. As a witness with extensive knowledge and experience regarding controlled substances generally, and opioids specifically, Mr. Boggs had the requisite McKesson position and personal knowledge to answer the question.

<i></i>			AFFIF	RMATIVE DEPOSITION DESIGNATIONS		COUN	ER DESIGNATION	NS * Pink = Con	pleteness Designation				REPLY DESIGI	NATIONS * Pink = Completeness Designation
e/Line ·	_	e/Line	Objections	Replies to Objections	Page/Line	Page/Lin		Objectio	· · · · · · · · · · · · · · · · · · ·	Page,		Page/Line		Replies to Objections
n Ial (	End	12 22	Delevere energhia	Campa analogue	Begin	<b>End</b> 10 205	16 Annuarat	05.10	A	Begin		End	15 Calls for	Company on the company
2 9	9 14	12 22	Relevance - geographic scope.	Same as above.	205	10 205	16 Answer at	05:10-	Answer is responsive to	40	14	407		Same as above.
			Exhibit ruled inadmissible by the				11 is Non-		question asked.				speculation	
			Court. See Trial Tr., May 24,				Responsive							
			2021, at 76:22-77:3, 77:15-78:3.				Question A	кеа						
			Questioning on excluded exhibit should be similarly inadmissible.											
			should be similarly madmissible.											
5 9	9 14	15 13	S Exhibit ruled inadmissible by the	Mr. Boggs is the author of this presentation. Testimony regarding the presentation,	205	20 205	22 Incomplete		Counter designation					
`	1	.5	Court. See Trial Tr., May 24,	especially from him, is uniquely relevant to understanding both Mr. Boggs' understanding of	200	200	Designatio	(no	necessary to place					
			2021, at 76:22-77:3, 77:15-78:3.	the scope and importance of the opioid epidemic and the message he sought to convey to			question a	`	witness's testimony in					
				McKesson. The court's prior rulings do not render this testimony inadmissible; indeed the			answer	_	context.					
			should be similarly inadmissible.	Court permitted questioning regarding portions of the presentation. The excerpted			designated							
			,	testimony does not describe an inflammatory or otherwise prejudicial portion of the										
				presentation.										
5 !	5 14	16 9	Relevance - geographic scope.	Lack of relevance/geographic scope is not applicable. This Court has already ruled that	208	5 208	6							
			Exhibit ruled inadmissible by the	Defendants' conduct outside of Cabell/Huntington "is generally relevant to Defendants'										
			Court. See Trial Tr., May 24,	conduct within the Track [Two] Counties." See ECF 1297, at 10.The questioning and										
			2021, at 76:22-77:3, 77:15-78:3.	testimony addresses national regulations and/or industry standards for distribution of										
				opioids/controlled substances, which by definition also apply to Cabell/Huntington and the										
			should be similarly inadmissible.											
	1		· · · · · · · · · · · · · · · · · · ·											
	1			Mr. Boggs is the author of this presentation. Testimony regarding the presentation,										
				especially from him, is uniquely relevant to understanding both Mr. Boggs' understanding of										
				the scope and importance of the opioid epidemic and the message he sought to convey to										
				McKesson. The court's prior rulings do not render this testimony inadmissible; indeed the										
				Court permitted questioning regarding portions of the presentation. The excerpted										
				testimony does not describe an inflammatory or otherwise prejudicial portion of the										
				presentation.										
5 14	1 14	16 21	1 Relevance - geographic scope	Same as above. Also, assuming facts and misstating prior testimony are not applicable. The	208	8 208	12							
			(146:14-15); assumes facts not in	question is not necessarily an assertion that something occurred and/or does not need to be										
			evidence; misstates testimony;	attributed to specific acts. Rather, the question addresses the regulations and/or industry										
			calls for a legal conclusion.	standards regarding opioid/controlled substance distribution. This is not a legal conclusion										
			Exhibit ruled inadmissible by the	because the testimony involves factual information regarding the witness's notice,										
			Court. See Trial Tr., May 24,	knowledge, understanding and/or acceptance of applicable regulations and/or industry										
			2021, at 76:22-77:3, 77:15-78:3.	standards. Mr. Boggs had many years of experience with the DEA handling the										
			Questioning on excluded exhibit	implementation of the regulatory aspect of the Controlled Substances Act ("CSA") and										
			should be similarly inadmissible.	overseeing compliance by distributors regarding same. See Attachment A Also, for the										
				entire 5+ years Mr. Boggs has worked at McKesson, his responsibilities included ensuring										
				that McKesson complied with the applicable distribution/controlled substance regulations										
				and industry standards. See 1/17/2019 deposition of Gary Boggs ("dep.") at 19:21-20:5. As										
				a witness with extensive knowledge and experience regarding these matters, Mr. Boggs had										
				the requisite knowledge to answer the question. Thus, even if considered an										
<u> </u>				opinion/conclusion, the testimony is admissible under FRE 701.			_							
23	3 14	16	Assumes facts not in evidence;	Same as above.	211	3 212	7 Improper		Fairness dictates that	الد				
	1		misstates testimony; calls for a				Completen		testimony be considere	a				
	1		legal conclusion. Exhibit ruled				Designatio		with the portions					
	1		inadmissible by the Court. See						introduced by Plaintiffs	•				
	1		Trial Tr., May 24, 2021, at 76:22-						See Fed. R. Civ. P.					
			77:3, 77:15-78:3. Questioning on						32(a)(6); Fed. R. Evid.					
			excluded exhibit should be						106.					
<del>-</del>	<del>.</del> .	10	similarly inadmissible.	Ma Danasia ka anakan afakis ana sasatata a Tantana a ana 1970	242	0 242	11 14:		F		-	$\vdash$		
2:	1 14	ŧ8 1	•	Mr. Boggs is the author of this presentation. Testimony regarding the presentation,	212	9 212	11 Improper		Fairness dictates that	الم				
	1		Court. See Trial Tr., May 24,	especially from him, is uniquely relevant to understanding both Mr. Boggs' understanding of			Completen		testimony be considere	u				
				the scope and importance of the opioid epidemic and the message he sought to convey to			Designatio		with the portions					
			questioning on excluded exhibit	McKesson. The court's prior rulings do not render this testimony inadmissible; indeed the					introduced by Plaintiffs	-				
									See Fed. R. Civ. P.					Ĩ
			should be similarly inadmissible.	Court permitted questioning regarding portions of the presentation. The excerpted										
				Court permitted questioning regarding portions of the presentation. The excerpted testimony does not describe an inflammatory or otherwise prejudicial portion of the					32(a)(6); Fed. R. Evid.					
,	0 14	10 10	should be similarly inadmissible.	Court permitted questioning regarding portions of the presentation. The excerpted testimony does not describe an inflammatory or otherwise prejudicial portion of the presentation. The testimony concerns McKesson's own systems.	225	4 225	7 Impropa-		106.					
:	3 14	18 10	should be similarly inadmissible.  Exhibit ruled inadmissible by the	Court permitted questioning regarding portions of the presentation. The excerpted testimony does not describe an inflammatory or otherwise prejudicial portion of the presentation. The testimony concerns McKesson's own systems.  Mr. Boggs is the author of this presentation. Testimony regarding the presentation,	225	4 225	7 Improper		106. Fairness dictates that	d				
3	3 14	18 10	should be similarly inadmissible.  Exhibit ruled inadmissible by the Court. See Trial Tr., May 24,	Court permitted questioning regarding portions of the presentation. The excerpted testimony does not describe an inflammatory or otherwise prejudicial portion of the presentation. The testimony concerns McKesson's own systems.  Mr. Boggs is the author of this presentation. Testimony regarding the presentation, especially from him, is uniquely relevant to understanding both Mr. Boggs' understanding of	225	4 225	Completen		106. Fairness dictates that testimony be considere	d				
:	3 14	18 10	should be similarly inadmissible.  Exhibit ruled inadmissible by the Court. See Trial Tr., May 24, 2021, at 76:22-77:3, 77:15-78:3.	Court permitted questioning regarding portions of the presentation. The excerpted testimony does not describe an inflammatory or otherwise prejudicial portion of the presentation. The testimony concerns McKesson's own systems.  Mr. Boggs is the author of this presentation. Testimony regarding the presentation, especially from him, is uniquely relevant to understanding both Mr. Boggs' understanding of the scope and importance of the opioid epidemic and the message he sought to convey to	225	4 225	Completen Designatio	; No	106. Fairness dictates that testimony be considere with the portions					
:	3 14	18 10	should be similarly inadmissible.  Exhibit ruled inadmissible by the Court. See Trial Tr., May 24, 2021, at 76:22-77:3, 77:15-78:3. Questioning on excluded exhibit	Court permitted questioning regarding portions of the presentation. The excerpted testimony does not describe an inflammatory or otherwise prejudicial portion of the presentation. The testimony concerns McKesson's own systems.  Mr. Boggs is the author of this presentation. Testimony regarding the presentation, especially from him, is uniquely relevant to understanding both Mr. Boggs' understanding of the scope and importance of the opioid epidemic and the message he sought to convey to McKesson. The court's prior rulings do not render this testimony inadmissible; indeed the	225	4 225	Completen Designatio objection t	; No	106. Fairness dictates that testimony be considere with the portions introduced by Plaintiffs					
:	3 14	18 1C	should be similarly inadmissible.  Exhibit ruled inadmissible by the Court. See Trial Tr., May 24, 2021, at 76:22-77:3, 77:15-78:3.	Court permitted questioning regarding portions of the presentation. The excerpted testimony does not describe an inflammatory or otherwise prejudicial portion of the presentation. The testimony concerns McKesson's own systems.  Mr. Boggs is the author of this presentation. Testimony regarding the presentation, especially from him, is uniquely relevant to understanding both Mr. Boggs' understanding of the scope and importance of the opioid epidemic and the message he sought to convey to	225	4 225	Completen Designatio	; No	106. Fairness dictates that testimony be considere with the portions					

		AFFIR	MATIVE DEPOSITION DESIGNATIONS			COL	NTER	DESIGNATIONS * P	ink = Completeness De	signation			REPLY DESIGN	ATIONS * Pink = Completeness Designation
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148 1	2 148 2	3 Exhibit ruled inadmissible by the	Mr. Boggs is the author of this presentation. Testimony regarding the presentation,	263	13	263	19	Answer is Non-		Answer is responsive to				
		Court. See Trial Tr., May 24,	especially from him, is uniquely relevant to understanding both Mr. Boggs' understanding of					Responsive to		question asked.				
		2021, at 76:22-77:3, 77:15-78:3.	the scope and importance of the opioid epidemic and the message he sought to convey to					Question Asked						
		Questioning on excluded exhibit	McKesson. The court's prior rulings do not render this testimony inadmissible; indeed the											
		should be similarly inadmissible.	Court permitted questioning regarding portions of the presentation. The excerpted											
			testimony does not describe an inflammatory or otherwise prejudicial portion of the											
			presentation.											
149	1 149	-	Mr. Boggs is the author of this presentation. Testimony regarding the presentation,	264	2	264		Answer is Non-		Answer is responsive to				
		Court. See Trial Tr., May 24,	especially from him, is uniquely relevant to understanding both Mr. Boggs' understanding of					Responsive to		question asked.				
			the scope and importance of the opioid epidemic and the message he sought to convey to					Question Asked						
		_	McKesson. The court's prior rulings do not render this testimony inadmissible; indeed the											
		should be similarly inadmissible.	Court permitted questioning regarding portions of the presentation. The excerpted											
			testimony does not describe an inflammatory or otherwise prejudicial portion of the											
149	7 149 1	2 Exhibit ruled inadmissible by the	presentation. The testimony concerns McKesson's own systems.  Mr. Boggs is the author of this presentation. Testimony regarding the presentation,	270	2	270		Answer is Non-		Answer is responsive to				
143	/ 149 1	· ·	especially from him, is uniquely relevant to understanding both Mr. Boggs' understanding of	270	3	270		Responsive to		question asked.				
			the scope and importance of the opioid epidemic and the message he sought to convey to					Question Asked		question askeu.				
			McKesson. The court's prior rulings do not render this testimony inadmissible; indeed the					Question Askeu						
		•	Court permitted questioning regarding portions of the presentation. The excerpted											
		and a similarly induminable.	testimony does not describe an inflammatory or otherwise prejudicial portion of the											
			presentation. The testimony concerns McKesson's own systems.											
149 1	4 150	5 Exhibit ruled inadmissible by the	Mr. Boggs is the author of this presentation. Testimony regarding the presentation,	270	16	270	18							
		· ·	especially from him, is uniquely relevant to understanding both Mr. Boggs' understanding of			-								
		·	the scope and importance of the opioid epidemic and the message he sought to convey to											
			McKesson. The court's prior rulings do not render this testimony inadmissible; indeed the											
		should be similarly inadmissible.	Court permitted questioning regarding portions of the presentation. The excerpted											
			testimony does not describe an inflammatory or otherwise prejudicial portion of the											
			presentation. The testimony concerns McKesson's own systems.											
150	7 150 1	1 Exhibit ruled inadmissible by the	Mr. Boggs is the author of this presentation. Testimony regarding the presentation,	278	12	278	15	Improper		Fairness dictates that				
			especially from him, is uniquely relevant to understanding both Mr. Boggs' understanding of					Completeness		testimony be considered				
			the scope and importance of the opioid epidemic and the message he sought to convey to					Designation; no		with the portions				
		_	McKesson. The court's prior rulings do not render this testimony inadmissible; indeed the					objection to		introduced by Plaintiffs.				
			Court permitted questioning regarding portions of the presentation. The excerpted					treatment as		See Fed. R. Civ. P.				
			testimony does not describe an inflammatory or otherwise prejudicial portion of the					counter-		32(a)(6); Fed. R. Evid.				
			presentation. The testimony concerns McKesson's own systems.					designation		106.				
150 1	3 150 2	1 Assumes facts not in evidence	The question assumed no facts, but rather asked the witness about the feasibility of timing	278	17	278	19	Improper		Fairness dictates that				
			for implementing effective controls against diversion (e.g., setting threshold limits for					Completeness		testimony be considered				
		inadmissible by the Court. See	customers' orders of opioids/controlled substances), which has been a requirement of the					Designation; No		with the portions introduced by Plaintiffs.				
		Trial Tr., May 24, 2021, at 76:22-77:3, 77:15-78:3. Questioning on	CSA for decades.					objection to treatment as		See Fed. R. Civ. P.				
			Mr. Boggs is the author of this presentation. Testimony regarding the presentation,					counter-		32(a)(6); Fed. R. Evid.				
			especially from him, is uniquely relevant to understanding both Mr. Boggs' understanding of					designation		106.				
		· ·	the scope and importance of the opioid epidemic and the message he sought to convey to					a co.g.ration		1001				
			McKesson. The court's prior rulings do not render this testimony inadmissible; indeed the											
			Court permitted questioning regarding portions of the presentation. The excerpted											
			testimony does not describe an inflammatory or otherwise prejudicial portion of the											
			presentation. The testimony concerns McKesson's own systems.											
150 2	3 151	1 Assumes facts not in evidence.	Same as above.	278	21	278	22							
		Exhibit ruled inadmissible by the												
		Court. See Trial Tr., May 24,												
		2021, at 76:22-77:3, 77:15-78:3.												
		Questioning on excluded exhibit												
		should be similarly inadmissible.												
100	1 107		- /-	201		201				Fairmann district and the				
196 2	1 197 1	.1	n/a	281	3	281		Improper		Fairness dictates that				
								Completeness		testimony be considered				
								Designation;		with the portions				
								Answer is Non-		introduced by Plaintiffs.				
								Responsive to		See Fed. R. Civ. P.				
								Question Asked		32(a)(6); Fed. R. Evid. 106. Answer is				
										responsive to question				
1										responsive to question				•

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	End				Begin	End				Begin	End			
14	198	3 4		n/a	293	3 293	7 Improper		Fairness dictates that					
							Completeness		testimony be considered					
							Designation; No		with the portions					
							objection to		introduced by Plaintiffs.					
							treatment as		See Fed. R. Civ. P.					
							counter-		32(a)(6); Fed. R. Evid.					
							designation		106.					
7	198	3 10		n/a	293 1	.0 293	12 Improper		Fairness dictates that		-			
,	138	, 10	1	11/4	293 1	.0 293	Completeness		testimony be considered					
							Designation; No		with the portions					
							-							
							objection to		introduced by Plaintiffs.					
							treatment as		See Fed. R. Civ. P.					
							counter-		32(a)(6); Fed. R. Evid.					
			<b>.</b>				designation		106.					
17	202	6	1	n/a	293 1	.7 293	23 Improper		Fairness dictates that					
							Completeness		testimony be considered					
			1				Designation; No		with the portions					
			1				objection to		introduced by Plaintiffs.					
							treatment as		See Fed. R. Civ. P.					
Ī			1				counter-		32(a)(6); Fed. R. Evid.					
							designation		106.					
ç	202	10		n/a	353	3 355	9 Leading at 355:6-8		Question is non-leading.					
14				n/a			11 Response to		Question is non-leading.					
				.,, -	-		Improper Leading		a construction of the cons					
							Question							
16	204	16		n/a	355 1	.9 355	22 Improper Lay		Witness is testifying as to		-			
16	204	10	1	11/4	333 1	.9 333	Opinion		his lay understanding					
							Оринон							
									that is rationally based					
									on his perception. See					
			<u> </u>						Fed. R. Evid. 701.					
6	205	8	Calls for speculation	Speculation is not applicable. The testimony does not indicate that the witness is guessing	356 1	4 356	22							
				or speculating regarding the questioning at issue. The witness has decades of experience										
				working with the DEA to prevent diversion and overseeing conduct of distributors relative to										
				compliance/non-compliance with the CSA. See Attachment A. As such, he has the requisite										
				knowledge and experience to testify about the feasibility for a distributor to have a program										
				(or particular aspect of a program) in place to prevent diversion and/or to ensure										
				compliance with the CSA, including when such programs/aspects were available/possible.										
				The witness's ability to testify about these matters is confirmed by how he could specify										
				which aspects were not available/feasible at certain points in time. See e.g., dep. at 208:5-										
			1	12. Additionally, the witness's ability to testify about these matters relative to McKesson										
			1	(and similar companies) is further enhanced by his last 5+ years at McKesson overseeing the										
			1	controlled substance monitoring program and ensuring compliance with the CSA. See										
			1	Attachment A. Moreover, his work included evaluating McKesson's prior order monitoring										
			1											
				programs to see how improvements could be made. <i>Id</i> . <i>See also</i> , dep. at 172:23-173:3.										
10	205	18	<del> </del>	n/a	357	5 360	23				-			
18				·					Witness is testif in a con-		_			
24	206	10	Calls for speculation	Speculation is not applicable. The testimony does not indicate that the witness is guessing	361	6 361	11 Improper Lay		Witness is testifying as to					
			1	or speculating regarding the questioning at issue. The witness has decades of experience			Opinion		his lay understanding					
			1	working with the DEA to prevent diversion and overseeing conduct of distributors relative to					that is rationally based					
			1	compliance/non-compliance with the CSA. See Attachment A. As such, he has the requisite					on his perception. See					
			1	knowledge and experience to testify about the feasibility for a distributor to have a program					Fed. R. Evid. 701.					
			1	(or particular aspect of a program) in place to prevent diversion and/or to ensure										
			1	compliance with the CSA, including when such programs/aspects were available/possible.										
			1	The witness's ability to testify about these matters is confirmed by how he could specify										
			1	which aspects were not available/feasible at certain points in time. See e.g., dep. at 208:5-										
			1	12. Further, the witness's ability to testify about these matters relative to McKesson (and										
			1											
				similar companies) is further enhanced by his last 5+ years at McKesson overseeing the										
	I		1	controlled substance monitoring program and ensuring compliance with the CSA. See										
			1	Attachment A. Moreover, his work included evaluating McKesson's prior order monitoring										
			and the second s											
				programs to see how improvements could be made. <i>Id. See also</i> , dep. at 172:23-173:3.										

				AFFIR	MATIVE DEPOSITION DESIGNATIONS		COUNTE	R DESIGNATIONS * !	Pink = Completeness D	Designation				REPLY DESIGN	ATIONS * Pink = Completeness Designation
age/Line		ge/Line	e C	Objections	Replies to Objections	Page/Line	Page/Line	Objections	Objection Notes	•	Page/L	ine F	age/Line	Objections	Replies to Objections
egin	Enc					Begin	End				Begin	E	nd		
207	4 2	207	8 C	Calls for speculation (207:7-8)	Speculation is not applicable. The testimony does not indicate that the witness is guessing	362	4 362	4							
					or speculating regarding the questioning at issue. The witness has decades of experience										
					working with the DEA to prevent diversion and overseeing conduct of distributors relative to										
					compliance/non-compliance with the CSA. See Attachment A. As such, he has the requisite										
					knowledge and experience to testify about the feasibility for a distributor to have a program										
					(or particular aspect of a program) in place to prevent diversion and/or to ensure										
					compliance with the CSA, including when such programs/aspects were available/possible.										
					The witness's ability to testify about these matters is confirmed by how he could specify										
					which aspects were not available/feasible at certain points in time. See e.g., dep. at 208:5-										
					12. Further, the witness's ability to testify about these matters relative to McKesson (and										
					similar companies) is further enhanced by his last 5+ years at McKesson overseeing the										
					controlled substance monitoring program and ensuring compliance with the CSA. See										
					Attachment A. Moreover, his work included evaluating McKesson's prior order monitoring										
					programs to see how improvements could be made. <i>Id. See also</i> , dep. at 172:23-173:3.										
				2 11 5 1 11 (227.12)		252	5 252								
)7 )8		208	4 C	Calls for speculation (207:10)	Same as above. n/a	362 362 1	6 362 .1 365 1	1							
	_	208	6		n/a			1 0 Leading at 368:17-		Question is non-leading,					
~	~[	.55	ĭ		"," <del>-</del>	303 1	.5 505 2	369:3		as evidenced by witness's					
								303.3		disagreement with the					
										question posed.					
										question poseu.					
09	9 2	209	22 C	Calls for speculation (209:20-22)	Speculation is not applicable. The testimony does not indicate that the witness is guessing	375	2 376	4							
				,	or speculating regarding the questioning at issue. The witness has decades of experience										
					working with the DEA to prevent diversion and overseeing conduct of distributors relative to										
					compliance/non-compliance with the CSA. See Attachment A. As such, he has the requisite										
					knowledge and experience to testify about the feasibility for a distributor to have a program										
					(or particular aspect of a program) in place to prevent diversion and/or to ensure										
					compliance with the CSA, including when such programs/aspects were available/possible.										
					The witness's ability to testify about these matters is confirmed by how he could specify										
					which aspects were not available/feasible at certain points in time. See e.g., dep. at 208:5-										
					12. Further, the witness's ability to testify about these matters relative to McKesson (and										
					similar companies) is further enhanced by his last 5+ years at McKesson overseeing the										
					controlled substance monitoring program and ensuring compliance with the CSA. See										
					Attachment A. Moreover, his work included evaluating McKesson's prior order monitoring										
					programs to see how improvements could be made. <i>Id. See also</i> , dep. at 172:23-173:3.										
10		210	16		n/a		.3 377 1	_							
10	18 2	210	22		n/a	377 2	379 1	5 Improper Lay		Witness is testifying as to					
								Opinion at 378:3-		his lay understanding					
								9; Improper		that is rationally based					
								Character		on his perception. See					
								Evidence at 378:17	1	Fed. R. Evid. 701.					
								379:15		District of the control			1		
										Plaintiffs' deposition			1		
										questioning throughout					
										this litigation has put the					
1										character of McKesson					
1										and its employees at					1
										issue. Without waiver of					
										McKesson's objections to			1		
										this improper questioning, in the event			1		
										,			1		
										the Court rules such testimony admissible,			1		
										McKesson is entitled to					
										ivickesson is entitled to					•
										defend the character of		J			
										defend the character of					
										defend the character of itself and its employees.					
10	24	011	1		n/a	370 1	7 380 1	6 Improper		itself and its employees.					
10	24 2	211	1		n/a	379 1	7 380 1	6 Improper		itself and its employees.  Plaintiffs' deposition					
10	24 2	211	1		n/a	379 1	7 380 1	Character		itself and its employees.  Plaintiffs' deposition questioning throughout					
10	24 2	211	1		n/a	379 1	7 380 1	Character Evidence at 379:17		Plaintiffs' deposition questioning throughout this litigation has put the					
10	24 2	211	1		n/a	379 1	.7 380 1	Character		itself and its employees.  Plaintiffs' deposition questioning throughout					

				AFFIR	RMATIVE DEPOSITION DESIGNATIONS		COUNTER	R DESIGNATIONS *	Pink = Completeness L	Designation	_			REPLY DESIGI	VATIONS * Pink = Completeness Designation
Page/Line	e P	Page/L	Line	Objections	Replies to Objections	Page/Line	Page/Line	Objections	Objection Notes	Replies to Objections	Page/	Line	Page/Line	Objections	Replies to Objections
ruge, Liin Begin		nd				Begin	End	- 5,000.0113	- Djection Notes	cpiics to Objections	Begin		End	52,000.00	
212	_	213	10	Calls for speculation (213:9-10)	Speculation is not applicable. The witness has decades of experience working with the DEA		.9 381 1	1			Degin		1		
212	20	213	10	cans for speculation (213.3-10)	to prevent diversion and overseeing conduct of distributors relative to compliance/non-	360 1	.9 381 1								
					compliance with the CSA. See Attachment A. As such, he has the requisite knowledge and										
					experience to testify about the feasibility for a distributor to have a program (or particular										
					aspect of a program) in place to prevent diversion and/or to ensure compliance with the										
					CSA, including when such programs/aspects were available/possible. The testimony does										
					not indicate that the witness is guessing or speculating regarding the questioning at issue.										
					The witness's ability to testify about these matters is confirmed by how he could specify										
					which aspects were not available/feasible at certain points in time. See e.g., dep. at 208:5-										
					12. Further, the witness's ability to testify about these matters relative to McKesson (and										
					similar companies) is further enhanced by his last 5+ years at McKesson overseeing the										
					controlled substance monitoring program and ensuring compliance with the CSA. See										
					Attachment A. Moreover, his work included evaluating McKesson's prior order monitoring										
					programs to see how improvements could be made. <i>Id. See also</i> , dep. at 172:23-173:3.										
242	12	242	4.0	Calla fan an andari a	Carra as also as	204 1	4 202	4							
213 213	_			Calls for speculation	Same as above.	381 1 384 2	.4 383 <i>4</i> 22 385 2	1						1	
213	18	214	5	Compound	Compound is not applicable. The question quoted the language from the specific	384 2	2 385 2	ı.							
					referenced portion of slide #28 of the witness's/McKesson's PowerPoint presentation at issue. Moreover, the witness was allowed the full opportunity to answer, did clearly										
					answer, and indicated no problem with answering. Also, while Plaintiffs submit that the										
					questioning/testimony is appropriate, any potential compound issue can be properly										
214	7	214	20	Carra a d (24.4.7)	considered/minimized and weighted accordingly in this Bench trial.	204 1	.8 394 2	1							
214 214	_	214		Compound (214:7)	Same as above.	394 1 394 2	.8 394 2 .4 395	1						<del> </del>	
214	22	214 215			n/a n/a	410 1		2 Improper		Fairness dictates that					
215	2	215	10		ll/d	410 1	.0 410 1.	Improper Completeness		testimony be considered	1				
								Designation; No		with the portions	1				
								objection to		introduced by Plaintiffs.					
								treatment as		· ·					
								counter-		See Fed. R. Civ. P. 32(a)(6); Fed. R. Evid.					
								designation		106.					
215	20	216	2	Calls for speculation	Speculation is not applicable. The testimony does not indicate that the witness is guessing	410 1	.5 410 2	1 Improper		Fairness dictates that					
213	20	210	۷	cans for speculation	or speculating regarding the questioning at issue. The witness has decades of experience	410 1	.5 410 2	Completeness		testimony be considered	1				
					working with the DEA to prevent diversion and overseeing conduct of distributors relative to			Designation; No		with the portions	1				
					compliance/non-compliance with the CSA. See Attachment A. As such, he has the requisite			objection to		introduced by Plaintiffs.					
					knowledge and experience to testify about the feasibility for a distributor to have a program			treatment as		See Fed. R. Civ. P.					
					(or particular aspect of a program) in place to prevent diversion and/or to ensure			counter-		32(a)(6); Fed. R. Evid.					
					compliance with the CSA, including when such programs/aspects were available/possible.			designation		106.					
					The witness's ability to testify about these matters is confirmed by how he could specify			uesignation		100.					
					which aspects were not available/feasible at certain points in time. See e.g., dep. at 208:5-										
					12. Further, the witness's ability to testify about these matters relative to McKesson (and										
					similar companies) is further enhanced by his last 5+ years at McKesson overseeing the										
					controlled substance monitoring program and ensuring compliance with the CSA. See										
					Attachment A. Moreover, his work included evaluating McKesson's prior order monitoring										
					programs to see how improvements could be made. <i>Id. See also</i> , dep. at 172:23-173:3.										
					programs to see now improvements could be illade. Id. See disb, dep. at 1/2.25-1/5.5.										
216	4	216	10	Calls for speculation	Same as above.	410 2	3 411	9 Improper		Fairness dictates that			<del>-  </del>		
	1		-3					Completeness		testimony be considered	d				
								Designation; No		with the portions					
								objection to		introduced by Plaintiffs.					
								treatment as		See Fed. R. Civ. P.					
								counter-		32(a)(6); Fed. R. Evid.					
								designation		106.					
216	12	216	13	Calls for speculation	Same as above.			- 50-6-1-411011						1	
210				p	n/a										

				AFFIR	RMATIVE DEPOSITION DESIGNATIONS		COUNTER	DESIGNATIONS *	Pink = Completeness I	Designation				REPLY DESIGN.	ATIONS * Pink = Completeness Designation
ge/Line	Pa	ige/Li	ine	Objections	Replies to Objections	Page/Line		Objections	Objection Notes	Replies to Objections	Page/Lin	ne P	age/Line	Objections	Replies to Objections
in	En	nd				Begin	End				Begin	Ε	nd		
7	1	217	5	Calls for speculation	Speculation is not applicable. The testimony does not indicate that the witness is guessing										
					or speculating regarding the questioning at issue. The witness has decades of experience										
					working with the DEA to prevent diversion and overseeing conduct of distributors relative to										
					compliance/non-compliance with the CSA. See Attachment A. As such, he has the requisite										
					knowledge and experience to testify about the feasibility for a distributor to have a program										
					(or particular aspect of a program) in place to prevent diversion and/or to ensure										
					compliance with the CSA, including when such programs/aspects were available/possible.										
					The witness's ability to testify about these matters is confirmed by how he could specify										
					which aspects were not available/feasible at certain points in time. See e.g., dep. at 208:5-										
					12. Further, the witness's ability to testify about these matters relative to McKesson (and										
					similar companies) is further enhanced by his last 5+ years at McKesson overseeing the										
					controlled substance monitoring program and ensuring compliance with the CSA. See										
					Attachment A. Moreover, his work included evaluating McKesson's prior order monitoring										
					programs to see how improvements could be made. <i>Id. See also</i> , dep. at 172:23-173:3.										
_	_	247	1.4	Calla fa a an an airlatina	Carra as abasis										
7 7 1	_	217	20	Calls for speculation	Same as above. n/a							-		<del> </del>	+
3		223	12	Assumes facts not in evidence;	Assuming facts and speculation are not applicable. The question is not necessarily an										
	_	223		calls for speculation	assertion that something occurred and/or does not need to be attributed to specific acts.										
				cans for speculation	Rather, the question asks for facts from the witness, namely whether he himself did the										
					review/analysis at issue, or whether he knew if anyone else at McKesson did it. The										
					testimony does not indicate that the witness is guessing or speculating regarding the										
					questioning at issue. In fact, the witness is able to definitively answer the question.										
					Additionally, the witness was not speculating due to his last 5+ years at McKesson										
					overseeing the controlled substance monitoring program and ensuring compliance with the										
					CSA. See Attachment A. Moreover, his work included evaluating McKesson's prior order										
					monitoring programs to see how improvements could be made, so he would/should have										
					known. <i>Id. See also</i> , dep. at 172:23-173:3.										
23 1	14	223	20	Assumes facts not in evidence;	Same as above.										
				calls for speculation											
.3 2	22	223		Assumes facts not in evidence;	Same as above.										
	_			calls for speculation											
9		259	9		n/a										
9 1 9 1		259	14		n/a									1	
	_	259	20		n/a										
2	_	260	10		n/a n/a				+						
0 1 0 2	_	260 261	10	Hearsay; relevance - geographic	T.	<del>                                     </del>	-	-						<b>_</b>	
7 2	23	201			The testimony involves the PowerPoint presentation created by the witness (as confirmed at										
				scope	260:23-261:1). Also, the witness confirmed (at 259:23-260:1 & 261:20-262:1) that he researched/had knowledge about the information he included in his PowerPoint.										
					Moreover, this is not inadmissible hearsay pursuant to FRE 801(d)(2) and/or FRE 803(6).										
					Also, hearsay is not applicable because FRE 801(c)(2) is not satisfied (as the										
					testimony/exhibit also proves notice, knowledge, understanding and/or acceptance of the										
					opioid epidemic, opioid abuse, diversion and/or opioid/prescription pill migration).										
					Geographic scope is not applicable. The witness's testimony and/or the exhibit show how										
					diverted opioids/prescription pills travel from state to state (indicating how geographic										
1					scope is not limited). Specifically here, diverted opioids travel from Florida up through										
1					Appalachia, which includes Cabell County and the City of Huntington. Also, this Court has										
					already ruled that Defendants' conduct outside of Cabell/Huntington "is generally relevant										
					to Defendants' conduct within the Track [Two] Counties." See ECF 1297, at 10. The										
					information at issue provides background regarding same (e.g., opioid/prescription pill										
					migration, and how over-distribution of opioids and systemic policy/procedure problems										
					allowing for same can impact other geographic areas).										
1	10	261	22	Hearsay; relevance - geographic											
	$\perp$			scope										ļ	
	1	262		Hearsay; relevance - geographic	Same as above.										
		1		scope								I		Ī	ĺ

				AFFII	RMATIVE DEPOSITION DESIGNATIONS		COUNTER	DESIGNATIONS *	Pink = Completeness	Designation				REPLY DESIGN	ATIONS * Pink = Completeness Designation
e/Line	Pa	ige/Lii	ine	Objections	Replies to Objections	Page/Line		Objections	Objection Notes	Replies to Objections	Page/	Line I	age/Line	Objections	Replies to Objections
in	End	_		-		Begin	End			, ,	Begin		nd		
2	4 2	262	17	Authenticity; foundation;	The objections (of authenticity, foundation and speculation) are objections to form which										
				hearsay; calls for speculation	were not made during the deposition, and thus are waived. Also, the foundation is										
					provided/established by the exhibit itself. See dep. exh. 29 at p. 1. This is not hearsay										
					pursuant to FRE 801(d)(2), 803(3) and/or FRE 803(6). Also, hearsay is not applicable because	e									
					FRE 801(c)(2) is not satisfied (as the testimony/exhibit also proves state of mind, motive										
					and/or mind-set relative to the DEA, as well as notice, knowledge, understanding and/or										
					acceptance of applicable regulations, industry standards, opioid abuse, diversion and/or pi										
					mills). Also, no questions in this designation require the witness to speculate. The question	5									
		262			solely address confirmation/understanding of the contents of the exhibit.					_					
53	6	263		Authenticity; foundation;	The authenticity objection was not made relative to the introduction/use of the exhibit										
				hearsay; calls for speculation	during the deposition, and is thus waived. The foundation is provided/established by the										
					exhibit itself. See dep. exh. 29 at p. 1. This is not hearsay pursuant to FRE 801(d)(2), 803(3										
					and/or FRE 803(6). Also, hearsay is not applicable because FRE 801(c)(2) is not satisfied (as										
					the testimony/exhibit also proves state of mind, motive and/or mind-set relative to the DE	۸,									
					as well as notice, knowledge, understanding and/or acceptance of applicable regulations,										
					industry standards, opioid abuse, diversion and/or pill mills). Also, no questions in this										
					designation require the witness to speculate. The question solely addresses the witness's										
					actual belief/response.										
3 1	1 2	263	11	Authenticity; foundation;	Same as above.										
	1			hearsay; calls for speculation											
6 1	2 ,	266	18	neursay, cans for speculation	n/a		+ +					1			
7	_	267	10		n/a										
_		267			n/a					+		1			
7 1 8	_		13	Harris Consideration											
8	8 4	269	23	Hearsay; foundation	This is not inadmissible hearsay pursuant to FRE 801(d)(2), 803(3) and/or FRE 803(6). Also,										
					hearsay is not applicable because FRE 801(c)(2) is not satisfied (as the testimony/exhibit als	0									
					proves state of mind, motive and/or mind-set relative to the DEA, as well as notice,										
					knowledge, understanding and/or acceptance of applicable regulations, industry standards	,									
					opioid abuse, diversion and/or pill mills). Also, the objection to foundation is an objection	0									
					form which was not made during the deposition for many of the questions in this										
					designation, and thus is waived regarding same. Also, the foundation is										
					provided/established by the exhibit itself. See dep. exh. 30 at pp. 1-2. The foundation is										
					further provided/established by the questioning and confirming testimony. See dep. at										
					268:13-23.										
70	1 2	270	1	Hearsay; foundation	Same as above.										
70 1	_	271	5	,,	n/a										
1 2		272	3		n/a										
2 1		272	12		n/a										
77	_	277	10	Hoorson	,		+ +			+					
′	9 4	2//	10	Hearsay	This is not inadmissible hearsay pursuant to FRE 801(d)(2), 803(3) and/or FRE 803(6). Also,	_									
					hearsay is not applicable because FRE 801(c)(2) is not satisfied (as the testimony/exhibit als	0									
					proves state of mind, motive and/or mind-set relative to the DEA, as well as notice,										
					knowledge, understanding and/or acceptance of applicable regulations, and/or industry										
1					standards).										
-	_			Hearsay	Same as above.										
	7 2	291	14	Calls for a legal conclusion;	Legal conclusion is not applicable. The testimony involves factual information regarding th	2									
	1			assumes facts not in evidence;	witness's notice, knowledge, understanding and/or acceptance of applicable regulations.										
1	I			misstates document	Mr. Boggs had many years of experience with the DEA handling the implementation of the										
					regulatory aspect of the Controlled Substances Act ("CSA") and overseeing compliance by										
					distributors regarding same. See Attachment A. Also, for the entire 5+ years Mr. Boggs ha	5									
					worked at McKesson, his responsibilities included overseeing the controlled substance										
l	1				monitoring program and ensuring compliance with the CSA. <i>Id.</i> As a witness with vast										
l	1				knowledge and extensive experience regarding these matters, Mr. Boggs had the capability										
	I				to answer the question. Thus, even if considered an opinion/conclusion, the testimony is										
l	1														
	I				admissible under FRE 701. Assuming facts not in evidence and misstating the document are										
	1				not applicable. The facts are established through the document, which is being introduced										
l	1				along with the designations. See dep. ex. 33. Further, this document has been verified an	i									
	1				introduced by Plaintiffs with the designations of HDMA/H.D.A. 30(b)(6) deposition										
1	1				representative (John Kelly). See 5/10/2019 J. Kelly/H.D.A. dep. exh. 9. The questioning										
	1				tracks the document and does not misstate it. Further, if any potential misstatement can be	e									
	1				properly ignored and/or minimized and weighted accordingly in this Bench trial.										
1	6 -	291	20	Calls for a legal conclusion:	Same as above										
1	6 2	291		Calls for a legal conclusion; assumes facts not in evidence;	Same as above.										

AFFIRMATIVE DEPOSITION DESIGNATIONS					COUNTER DESIGNATIONS * Pink = Completeness Designation						REPLY DESIGNATIONS * Pink = Completeness Designation				
Page/Line Page/Line			/Line	Objections Replies to Objections			Page/Line Page/Line Objections Objection Notes Replies to Objections					/Line	Page/Line		Replies to Objections
Begin		End			, ,	Begin	End	, , , , , , , ,	.,	,,,	Begin		End	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	, ,
	22	291	1 23	Calls for a legal conclusion;	Samee as above.										
				assumes facts not in evidence;											
				misstates document											
321	17	321	1 23	Hearsay. Exhibit ruled	This is not inadmissible hearsay pursuant to 803(3), FRE 803(6), FRE 803(8) and/or FRE 807.										
				inadmissible by the Court	Also, hearsay is not applicable because FRE 801(c)(2) is not satisfied (as the										
				pursuant to Rule 408 (See Trial	testimony/exhibit also proves notice, knowledge, understanding and/or acceptance of:										
				Tr., May 24, 2021, at 105:11-13.	applicable regulations, DEA's application or enforcement of same, opioid abuse, and/or										
				Questioning on excluded exhibit	diversion).										
				should be similarly inadmissible.											
					Document is admissible for purposes of notice provided to McKesson of its violations, and										
222		222	1 12	Harris E 1889 a lad	the testimony is admissible for the same reasons.										
322	4	322	12	Hearsay. Exhibit ruled	Same as above.										
				inadmissible by the Court											
				pursuant to Rule 408 (See Trial Tr., May 24, 2021, at 105:11-13.											
				Questioning on excluded exhibit											
				should be similarly inadmissible.											
				should be similarly madmissible.											
323	14	324	1 18	Hearsay. Exhibit ruled	Same as above.									1	
				inadmissible by the Court											
				pursuant to Rule 408 (See Trial											
				Tr., May 24, 2021, at 105:11-13.											
				Questioning on excluded exhibit											
				should be similarly inadmissible.											
324	20	324	1 20	Hearsay. Exhibit ruled	Same as above.										
				inadmissible by the Court											
				pursuant to Rule 408 (See Trial											
				Tr., May 24, 2021, at 105:11-13.											
				Questioning on excluded exhibit											
				should be similarly inadmissible.											
324	22	325	13	Hearsay. Exhibit ruled	Same as above.		+ +		+			1		+	
52.		020		inadmissible by the Court	Same as above.										
				pursuant to Rule 408 (See Trial											
				Tr., May 24, 2021, at 105:11-13.											
				Questioning on excluded exhibit											
				should be similarly inadmissible.											
326	4	326	5 8	Hearsay; calls for a legal	Same as above. The question does not assume facts not in evidence. The facts are outlined										
				· ·	in the exhibit being discussed. See dep. exh. 38. The facts are also outlined in multiple										
				• · · · · · · · · · · · · · · · · · · ·	settlements between McKesson and the DEA/DOJ regarding McKesson's systemic failures to										
					maintain effective controls against diversion. See e.g., 7/31/2018 Hartle dep. exh. 25 a/k/a										
					P-00010 (2008 settlement), 7/31/2018 Hartle dep. exh. 35 a/k/a P-12674 (2017 settlement),										
				•	7/31/2018 Hartle dep. exh. 36 a/k/a P-12677 (2017 MOA). Moreover, the facts are										
				13. Questioning on excluded	confirmed by the witness's testimony at 326:11-12. Speculation and legal conclusion are not										
				-	applicable. The testimony does not indicate that the witness is guessing or speculating										
				inadmissible.	regarding the questioning at issue. Also, the testimony involves factual information										
					regarding the witness's notice, knowledge, understanding and/or acceptance of McKesson's systemic failures relative to reporting suspicious orders. Mr. Boggs had many years of										
					experience with the DEA handling the implementation of the regulatory aspect of the										
					Controlled Substances Act ("CSA") and overseeing compliance by distributors regarding										
					same. See Attachment A. Also, for the entire 5+ years Mr. Boggs has worked at McKesson,										
					his responsibilities included overseeing the controlled substance monitoring program and										
				1	ensuring compliance with the CSA. <i>Id</i> . Moreover, his work included evaluating McKesson's										
					prior order monitoring programs to see how improvements could be made. <i>Id. See also</i> ,										
	1				dep. at 172:23-173:3. As a witness with vast knowledge and extensive experience regarding										
					these matters, Mr. Boggs had the capability to answer the question. Thus, even if										
					considered an opinion/conclusion, the testimony is admissible under FRE 701.										
I	1		1									1		1	

WITNESS NAME:	Gary Boggs
DEPOSITION DATE:	1/17/2019

AFFIRMATIVE DEPOSITION DESIGNATIONS					COUNTER DESIGNATIONS * Pink = Completeness Designation						REPLY DESIGNATIONS * Pink = Completeness Designation				
age/Line Po egin Er	age/Line nd	Objections	Replies to Objections	Page/Line Begin	Page/Line End	Objections	Objection Notes	Replies to Objections	Page/Line Begin	Page/Line End	Objections	Replies to Objections			
11		Hearsay; calls for a legal conclusion; assumes facts not in evidence; calls for speculation. Exhibit ruled inadmissible by the Court pursuant to Rule 408 (See Trial Tr., May 24, 2021, at 105:11-13. Questioning on excluded exhibit should be similarly inadmissible.													